

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  EQUIPMENT DISTRIBUTION PROGRAM	DOCKET NO. RMU-00-2
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**ORDER ADOPTING RULES**

(Issued April 12, 2000)

Pursuant to the authority of Iowa Code §§ 17A.4 and 477C.4 (1999), the Utilities Board adopts the amendments attached hereto and incorporated by reference. These rules amend 199 IAC 37.2(1)"b", 37.2(3), 37.3(1), 37.3(5), 37.3(6), 37.3(8), 37.4, and 37.5(1) (1999). The reasons for the amendments are set forth in the notice of intended action published in the Iowa Administrative Bulletin on February 9, 2000 as ARC 9663A.

**IT IS THEREFORE ORDERED:**

1. The amended rules attached hereto and incorporated by this reference are adopted by the Board.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.      /s/ Diane Munns  
Executive Secretary

Dated at Des Moines, Iowa, this 12<sup>th</sup> day of April, 2000.

**UTILITIES DIVISION [199]  
Adopted and Filed**

Pursuant to Iowa Code sections 17A.4 and 477C.4, the Utilities Board (Board) gives notice that on April 12, 2000, the Board issued an order in Docket No. RMU-00-2, In re: Equipment Distribution Program, "Order Adopting Rules," that adopted amendments to the equipment distribution program rules.

On January 20, 2000, the Board issued an order commencing rule making that invited public comment on proposed changes to the following equipment distribution program rules: 199 IAC 37.2(1)"b," 37.2(3), 37.3(1), 37.3(5), 37.3(6), 37.3(8), 37.4(477C), and 37.5(1). Notice of Intended Action was published in the Iowa Administrative Bulletin on February 9, 2000, as ARC 9663A. Written comments were due on or before March 10, 2000.

The Equipment Distribution Program (EDP) provides assistive telecommunications devices for hearing and speech impaired individuals. Changes to the rules will add a hardship provision, allow individuals in the same household with different disabilities to get different equipment, conform Iowa's replacement period to better reflect the life of the equipment, update the income limits for eligibility, update the types of equipment referred to in the rules, streamline the process for applicants and the administrator, and

conform the complaint process to the regular complaint process of the Board.

On February 3, 2000, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a written statement of position in support of the proposed amendments to the rules.

On February 25, 2000, Telecommunications Access Iowa (TAI) filed written public comment on the proposed rules. TAI commented that the proposed changes were most appropriate, especially from a practical and programmatic perspective. TAI stated that two changes in particular would result in more efficient operation of the equipment distribution program: 1) the discretion that would be given to the program administrator to consider special circumstances where parties in the same household have differing communications needs for telephone usage; and 2) the proposed changes to the income guidelines. TAI also expressed support for the involvement of the Dual Party Relay Council in the proposed changes to the rules.

The Iowa Telephone Association orally requested an estimate of the increase in number of persons served and cost to the program due to two changes in the rules. The first proposed change would establish a hardship provision, so that if a person demonstrated to the program administrator that he or she was unable to pay the required 5 percent co-payment for equipment, the person could receive a voucher for 100 percent of the cost of the equipment. However, since the voucher is based on the average retail

cost of similar types of equipment, the program administrator could require the person to choose a cheaper model of the equipment instead of receiving a 100 percent voucher. The second proposed change would allow individuals in the same household that have different communication impairments requiring different types of equipment to be able to obtain the needed equipment.

Staff estimated seven additional people per year would be served by the program due to these two changes. The estimated additional cost to the program due to these two changes is \$400 per year.

The final rules are identical to those published under the Notice of Intended Action.

These rules are intended to implement Iowa Code section 477C.4.

These rules will become effective June 7, 2000.

The following amendments are adopted.

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Item 1. Amend paragraph 37.2(1)"b" as follows:

*b.* The standard amount shall be 95 percent of the average retail market price for the piece of equipment, unless the retail market price is more than \$1,000, in which case the standard amount shall be 99 percent of the average retail market price. The standard amount may be increased to 100 percent if a person demonstrates to the program administrator that the person is unable to pay the matching amount.

Item 2. Amend subrule 37.2(3) as follows:

**37.2(3)** *Term.* The vouchers shall provide for a 40-day period to present the voucher to the vendor. The vendor, upon presentation of the voucher, shall have 60 days period to complete the sale and delivery of the equipment purchase a 20-day period for the vendor to and to return the voucher to the program administrator., and The program administrator shall have a 20 days period for the program administrator to process and return the voucher to the board for payment. The program administrator, for good cause shown, may extend either the 40- or 60-day deadline, provided the voucher is returned to the board for payment within 120 days from the issuance of the voucher. Except for good cause shown, the vendor will not be reimbursed for a voucher issued more than ~~400~~ 120 days before the voucher is returned to the board for payment.

Item 3. Amend subrule 37.3(1) as follows:

**37.3(1)** The applicant's need for the equipment must be verified by an appropriate professional, including but not limited to a licensed physician; certified teacher in the fields of hearing, speech, or visually impairment; ~~ed~~; speech pathologist; audiologist; or an appropriate state or federal agency representative, as part of the initial application. At the time of reapplication for equipment, the applicant must submit a statement certifying the applicant's condition has not changed to the extent that a different type of equipment is needed. If an applicant's condition has changed to the extent a different type

of equipment is needed from that originally received, the applicant's need must be verified by an appropriate professional.

Item 4. Amend subrule 37.3(5) as follows:

**37.3(5)** The applicant will be limited to a voucher for one type of equipment or equipment package ~~per household~~. If there are individuals in the same household who have different communication impairments that require different types of assistive telecommunications equipment, the individuals may make a joint or separate request to the equipment distribution program administrator. The administrator may grant those portions of the requests that satisfy the eligibility requirements in this rule.

Item 5. Amend subrule 37.3(6) as follows:

**37.3(6)** Equipment may be replaced under the program by reapplication as appropriate, ~~but a change in the nature of the equipment for the repeat applicant will require board approval.~~ Reapplication will be limited by a ~~three-~~ five-year waiting period. The reapplication period may be shortened by the program administrator ~~will be subject to waiver~~ for good cause shown.

Item 6. Amend subrule 37.3(8) as follows:

**37.3(8)** An applicant's gross household income must be less than ~~\$45,000~~ \$57,000 for a family of four. Household numbers above or below four will increase or decrease that amount in ~~\$5,000~~ \$9,000 increments.

Item 7. Amend rule 199—IAC 37.4(477C) as follows:

**199—37.4(477C) Equipment.** The board will authorize the types of equipment to be distributed through the program, including but not limited to telecommunications devices for the deaf with printers, signalers, amplifiers, computer software, and a limited number of ~~telebrailers~~ telecommunications devices for the deaf/blind.

Item 8. Amend subrule 37.5(1) as follows:

**37.5(1)** The program administrator will make determinations concerning matters such as eligibility, type of equipment for particular applicants, or reimbursement of vendors.

a. The administrator, after requiring interested persons to state verbally or in writing any complaint or dispute arising under the equipment distribution program, shall attempt to settle the matter informally within 45 days.

b. ~~Within 14 days of determining that~~ Should the informal dispute resolution process ~~has failed fail, the program administrator shall serve a proposed resolution in writing on all interested persons and provide a copy to the board.~~ the complaint may be submitted to the board by the complainant and will be processed by the project manager as provided for utility customers in 199 IAC Chapter 6. The complaint will be directed to the program administrator with a copy to the Consumer Advocate. The board staff assigned to the equipment distribution program will then issue a proposed resolution as defined in 199 IAC 6.4(476).



c. The proposed resolution shall include a description of the facts involved in the dispute and a clear statement of the proposed resolution.

d. The proposed resolution shall also give notice that any interested person dissatisfied with the proposed resolution has 14 days after the issuance of the proposed resolution to file a written request for formal complaint proceedings before the Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069. If no timely request for formal complaint proceedings is filed, the proposed resolution shall be deemed binding on all interested persons served with the proposed resolution. The request for formal complaint proceedings shall be considered as filed on the date of the United States Postal Service postmark or the date personal service is made.

April 12, 2000

/s/ Allan T. Thoms

Allan T. Thoms

Chairperson